

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24-CR-71

DARTAVIOUS D. MANNS,

Defendant.

RECOMMENDATION AND ORDER

Dartavious D. Manns argues that the Second Amendment guarantees felons like him the right to possess a firearm. (ECF No. 12.) Therefore, he asks the court to dismiss the indictment charging him with violating 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (ECF No. 12.)

Every judge of this court has found that prohibiting persons convicted of any felony from ever being able to possess a firearm is consistent with the history and tradition of the Second Amendment. *United States v. McCaa*, No. 23-cr-8-pp, 2024 U.S. Dist. LEXIS 105931 (E.D. Wis. June 14, 2024) (Pepper, C.J.); *United States v. Neal*, No. 23-cr-0141-bhl, 2024 U.S. Dist. LEXIS 75356, at *9 (E.D. Wis. Apr. 25, 2024) (Ludwig, J.); *United States v. Davis*, No. 22-CR-210-JPS, 2024 U.S. Dist. LEXIS 22134 (E.D. Wis. Feb. 8,

2024) (Stadtmueller, J.); *United States v. Johnson*, No. 22-CR-254, 2023 U.S. Dist. LEXIS 197650 (E.D. Wis. Nov. 3, 2023) (Adelman, J.); *United States v. Watson*, No. 23-CR-109, 2023 U.S. Dist. LEXIS 182631 (E.D. Wis. Oct. 11, 2023) (Griesbach, J.); *see also United States v. Contreras*, No. 23-CR-185, 2024 U.S. Dist. LEXIS 59247, at *18 (E.D. Wis. Apr. 1, 2024) (Duffin, M.J.); *United States v. Neal*, No. 23-CR-141, 2023 U.S. Dist. LEXIS 237450 (E.D. Wis. Oct. 17, 2023) (Duffin, M.J.); *United States v. Denruyter*, No. 23-CR-155, 2023 U.S. Dist. LEXIS 209398 (E.D. Wis. Oct. 17, 2023) (Joseph, M.J.); *United States v. Washington*, No. 23-CR-35, 2023 U.S. Dist. LEXIS 235498 (E.D. Wis. Sep. 15, 2023) (Joseph, M.J.); *United States v. Davis*, Case No. 22-CR-189, ECF No. 31 (E.D. Wis. Feb. 27, 2023) (Dries, M.J.); *cf. N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 22, 142 S. Ct. 2111, 2128, 213 L.Ed.2d 387, 408 (2022).

For the reasons set forth in these decisions, statutory prohibitions of felons possessing firearms are not facially unconstitutional nor unconstitutional as applied to Manns.

IT IS THEREFORE RECOMMENDED that Mann’s motion to dismiss be **denied**.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Crim. P. 59(b)(2), any written objection to any recommendation herein or part thereof shall be filed within fourteen days of service of this recommendation or

prior to the Final Pretrial Conference, whichever is earlier. Failure to timely object waives a party's right to review.

Dated at Milwaukee, Wisconsin this 17th day of June, 2024.


WILLIAM E. DUFFIN
U.S. Magistrate Judge